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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 36-48 are pending in the application. Claim 48 has been objected to. Claims 46-48 have been rejected. Claims 46-48 have been amended.

Claims 36-45 have been withdrawn without prejudice or disclaimer. In making this withdrawal without prejudice, Applicants reserve all rights in these claims to reinstate them and/or to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims and title add no new matter.

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Remarks to the Title

In the Office Action, the Examiner objected to the Title because it was not descriptive. The title has been changed to "System for Providing Subscribers with Video in a Multiple Dwelling Unit", as the Examiner suggested.

Claim Objections

In the Office Action, the Examiner objected to claim 48 because of alleged informalities. Claim 48 has been amended according to the Examiner's suggestion. Accordingly, Applicants request withdrawal of the objection.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claim 47 under 35 U.S.C. § 112, second paragraph, due to the use of the term "generally simultaneously" in line 2 of claim 47. Claim 47 has been amended to read "substantially simultaneously".

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Applicants respectfully assert that this amendment renders claim 47 proper under 35 USC 112 and request that the rejection be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 46 and 48 under 35 U.S.C. § 102(e), as being anticipated by Fenwick, Jr et al (US 2003/0204852 A1). Applicants respectfully traverse this rejection in view of the remarks that follow.

Fenwick, Jr et al. discloses "A menuing system" that "provides an interactive display to allow a user to select and control the delivery of program material." (Fenwick, Jr et al, page 1, paragraph 7). Fenwick, Jr et al. distributes

"program materials" which come from "videotapes . . . , and material stored on banks of video tape players, video jukeboxes . . . , banks of digital video disk players" and other "devices capable of producing or delivering audiovisual programs". (Fenwick, Jr et al, page 1, paragraph 13).

Fenwick, Jr. et al. utilizes the above materials in a system in which:

"when the SMS directs an audiovisual serving device to provide a videotape to a user, both that particular tape and the audiovisual serving device will no longer be available to other users for the duration of the videotape, plus the time needed to rewind" (page 2, paragraph 18).

The system in Fenwick, Jr et al. then distributes the material.

"Program material coming from the programming subsystem is in the forms of streams of audiovisual (AV) data." "Each of these streams of AV data is the output of a

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single audiovisual serving device, and is preferably connected to a unique RF modulator assigned to that audiovisual serving device and providing a television output signal on a selected RF frequency." (pages 4-5, paragraph 37)

Fenwick, Jr. et al. does not teach or suggest, and the Examiner does not suggest that Fenwick, Jr. et al. teaches or suggests "means for transmitting along a wire a selected one of said downloaded video films" as recited in amended independent claim 46, since Fenwick, Jr. et al. neither transmits along a wire nor downloads video films. Therefore, Fenwick, Jr et al. cannot anticipate claim 46, as amended.

Accordingly, Applicants respectfully assert that amended independent claim 46 is allowable. Claim 48 depends from, directly or indirectly, claim 46, and therefore includes all the limitations of that claim. Therefore, Applicants respectfully assert that claim 48 is likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 46 and to claim 48 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 46 and 48.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claim 47 under 35 U.S.C. § 103(a), as being unpatentable over Fenwick, Jr et al (US 2003/0204852 A1).

Applicants respectfully traverse the rejection of claim 47 under Fenwick, Jr et al.

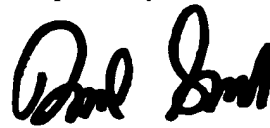
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Fenwick, Jr et al does not teach or suggest all the limitations of dependant claim 47. Fenwick, Jr et al has been discussed above. That discussion is applicable here. Although Examiner asserts that parallel recording is well known in the art and is thus an obvious extension of Fenwick, this does not cure the deficiency of Fenwick in describing "means for transmitting along a wire a selected one of said downloaded video films " (Claim 46, lines 9-10) or "A system according to claim 46 wherein said video server can download video films" (Claim 47 line 1). Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,



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